

2011

LRB-1187



Making of "/>

Feb. 6th - 12th,  
2011

Pt. 04a

## Grant, Peter

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**From:** Boggs, Breann C - DOA [Breann.Boggs@wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 9:32 AM  
**To:** Grant, Peter  
**Subject:** SEE CHANGE - 20.280 (4) (b) - NO ACTION. Do not repeal.

Hi Peter,  
See my comments below. The only change is to (4) (b).

- Regarding (4) (b): this one is repealed and not duplicated. NOT Okay. This one should be NO ACTION. Other campuses receive part of this grant for graduate students, therefore it needs to stay in system.

BB

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 8:55 AM  
**To:** Boggs, Breann C - DOA  
**Subject:** appropriations

Breann, here are my remaining questions:

- If (1) (kd) gets duplicated in 20.280, how should it read? And how should the (kd) to the UWS be amended?
- Same questions with (1) (ko).

We just talked about these.

- Regarding (1) (r): the environmental education board is in the UWS and isn't being moved, and 36.54 isn't being moved to or duplicated in the UW, so I think this one is no action. – OKAY.
- Regarding (1) (rc): same comment as above. OKAY.
- Regarding (4) (a): this one looks like a no action to me; not duplicated. OKAY.
- Regarding (4) (dd): this one looks like a no action to me. YES- NO ACTION

Also, I renumbered (6) (g) to be 20.280 (1) (g). Okay? - YUP

Peter

**Kunkel, Mark**

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**From:** Grant, Peter  
**Sent:** Wednesday, February 09, 2011 9:32 AM  
**To:** Kunkel, Mark  
**Subject:** FW: s. 25.50

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**From:** Anderson, Jeff - DOA [mailto:jeff.anderson@wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 9:31 AM  
**To:** Grant, Peter  
**Subject:** s. 25.50

Peter,

Per our phone conversation, I've reviewed s. 25.50, and I think it does make sense to include the new authority in s. 25.50(1)(d). Section 25.50(2) restricts usage of the local government investment pool to "local governments", which is why the other authorities were added to the local government definition contained in 25.50(1)(d).

I do not see any other sections in 25.50 that would need to be modified to exclude the authority.

Let me know if you have any other thoughts on this.

Thanks.

Jeff

**Jeff Anderson, CPA**  
Financial Supervisor  
State Controller's Office  
Division of Executive Budget and Finance  
Wisconsin Department of Administration  
608-266-8347

2/9/2011

**UW Authority – statutory changes needed for cash management/investing**

**25.50(1)(d)**

Local government" means any county, town, village, city, power district, sewerage district, drainage district, town sanitary district, public inland lake protection and rehabilitation district, local professional baseball park district created under subch. III of ch. 229, long-term care district under s. 46.2895, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, public library system, school district or technical college district in this state, any commission, committee, board or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 114.61, 149.41, 231.02, 233.02 or 234.02 or [insert statutory section that creates UW Authority].

**25.50(3m)**

The authority created under [insert statutory section that creates UW Authority] shall immediately transfer to the state treasury for deposit into the local government investment pool the unexpended portion of all moneys received by the authority from any source except gifts, grants and donations.

**20.002(11)(b)2**

Notwithstanding the amount invested in the local government investment pool under s. 25.50(3m), and eExcept as provided in subd. 3, the secretary of administration shall limit the total amount of any temporary reallocations to the general fund at any one time during a fiscal year to an amount equal to 5% of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year. During the 2009-11 fiscal biennium, the amount that may be reallocated under this subdivision during a fiscal year may not exceed 7 percent of such revenues.

already  
insert  
law

insert

70-21

25.50 change

20 002 INSERT 58-20

/ plus 5

**Kunkel, Mark**

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**From:** Grant, Peter  
**Sent:** Wednesday, February 09, 2011 11:01 AM  
**To:** Kunkel, Mark  
**Subject:** FW: Revisions to 2/8/11 Draft  
**Attachments:** 2-9-11 OALS Review sent to LRB.pdf

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 09, 2011 10:58 AM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Revisions to 2/8/11 Draft

Peter,

Thank you for sending Draft 2 yesterday. We have attached a pdf containing only the pages on which we have changes, answers/comments to your questions, or questions of our own. One important highlight - we are retaining the language "academic staff", so you will see changes in that regard.

We feel it would be wise to speak with you this afternoon about the following provisions:

1. Chapter 40: We need to ensure University of Wisconsin is considered an employer (see p. 160) We'd like to discuss your note on p. 163 about other changes that may be needed to 40.
2. Chapter 19: see p. 58 regarding proposed language that was not included. We still wish to add it. Let us know if you have questions.
3. Chapter 16: see p. 34 regarding proposed language that was not included. We still wish to add it. Let us know if you have questions.
4. Chapter 111: We need to discuss this today. p. 186

Lastly, two questions for you:

1. Are there sections you know were not included in yesterday's draft?
2. Do you anticipate sharing another draft with us today?

Thanks, Peter. Look forward to hearing from you.

Nancy

Nancy K. Lynch  
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2/9/2011

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Question: Why both (2)(d) changes and new (2)(dm) needed?

1           13.48 (2) (d) The building commission, for the purpose of carrying out s. 36.33  
2 relating to the sale and purchase of agricultural lands of the University of Wisconsin  
3 and the University of Wisconsin system, may authorize the advance of sums from the  
4 state building trust fund for the purchase price, including option payments, of  
5 agricultural lands to be acquired by the University of Wisconsin <sup>and University of Wisconsin</sup> and for expenses  
6 incurred in selling agricultural lands presently owned by the University of <sup>System</sup>  
7 Wisconsin <sup>or ?</sup> and the University of Wisconsin system, including, without limitation  
8 because of enumeration, expenses of surveying, platting, constructing and  
9 improving streets and utilities and drainage in such a way as to realize the greatest  
10 return to the state or the University of Wisconsin in the sale of such lands, and other  
11 selling expenses. All such sums advanced shall be repaid to the state building trust  
12 fund by the University of Wisconsin or the University of Wisconsin system. Sums  
13 advanced to the University of Wisconsin system shall be repaid from the  
14 appropriation made by s. 20.285 (1) (ka).

15           SECTION 11. 13.48 (2) (dm) of the statutes is created to read:

16           13.48 (2) (dm) The building commission, for the purpose of carrying out s. 37.33  
17 relating to the sale and purchase of agricultural lands of the University of Wisconsin,  
18 may authorize the advance of sums from the state building trust fund for the  
19 purchase price, including option payments, of agricultural lands to be acquired by  
20 the University of Wisconsin and for expenses incurred in selling agricultural lands  
21 presently owned by the University of Wisconsin, including, without limitation  
22 because of enumeration, expenses of surveying, platting, constructing and  
23 improving streets and utilities and drainage in such a way as to realize the greatest  
24 return to the state in the sale of such lands, and other selling expenses. All such sums

1 reflect changing program needs and unforeseen circumstances. The building  
2 commission may enter into contracts for the construction of buildings for any state  
3 agency or the University of Wisconsin, except a project authorized under sub. (10) (c).  
4 and shall be responsible for accounting for all funds released to projects. The  
5 building commission may designate the department of administration or the agency  
6 for which the project is constructed to act as its representative in such accounting.

7 **SECTION 15.** 13.48 (4) of the statutes is amended to read:

8 13.48 (4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. ~~Each~~ Whenever any  
9 state agency ~~contemplating~~ or the University of Wisconsin contemplates a project  
10 under ~~this~~ the state building program <sup>it</sup> ~~shall report its proposed projects~~ the project  
11 to the building commission. The report shall be made on such date and in such  
12 manner as the building commission prescribes. This subsection does not apply to  
13 projects identified in sub. (10) (c).

14 **SECTION 16.** 13.48 (6) of the statutes is amended to read:

15 13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4)  
16 shall be reviewed by the building commission, which shall make its report as soon  
17 after November 20 as is possible. Such report shall include specific  
18 recommendations and establish priorities for the next 3 biennia from among all  
19 projects submitted which the building commission deems essential and shall  
20 recommend additional appropriations if necessary for the execution thereof. The  
21 building commission shall include in the report any projects proposed by the state  
22 fair park board involving a cost of not more than \$250,000, together with the method  
23 of financing proposed for those projects by the board, without recommendation. The  
24 building commission shall include in its report an appraisal and recommendation of  
25 available and alternative methods of financing buildings for the use of state agencies



1 and the University of Wisconsin and shall file copies of its report with the  
2 governor-elect.

3 SECTION 17. 13.48 (10) (a) of the statutes is amended to read:

4 13.48 (10) (a) ~~No Except as provided in par. (c).~~ no state board, agency, officer,  
5 department, commission or body corporate, including the University of Wisconsin,  
6 may enter into a contract for the construction, reconstruction, remodeling of or  
7 addition to any building, structure, or facility, in connection with any building project  
8 which involves a cost in excess of \$150,000 without completion of final plans and  
9 arrangement for supervision of construction and prior approval by the building  
10 commission. The building commission may not approve a contract for the  
11 construction, reconstruction, renovation or remodeling of or an addition to a state  
12 building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied  
13 with or does not apply. This section applies to the department of transportation only  
14 in respect to buildings, structures and facilities to be used for administrative or  
15 operating functions, including buildings, land and equipment to be used for the  
16 motor vehicle emission inspection and maintenance program under s. 110.20.

17 SECTION 18. 13.48 (10) (c) of the statutes is created to read:

18 13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project  
19 involving a cost of not more than \$500,000 to be constructed for the University of  
20 Wisconsin that is funded entirely from the proceeds of gifts, <sup>program revenue or other</sup> grants, <sup>non-state</sup> made to the <sup>appropriated</sup>  
21 University of Wisconsin. <sup>funds</sup>

22 SECTION 19. 13.48 (12) (b) 5. of the statutes is created to read:

23 13.48 (12) (b) 5. A facility constructed by or for the University of Wisconsin.

24 SECTION 20. 13.48 (13) (a) of the statutes is amended to read:

1     ~~Wisconsin-Madison~~ School <sup>✓ of Medicine and Public Health</sup> designated by the dean shall serve, respectively, in place  
2     of the officers.

3           **SECTION 38.** 14.57 (2m) of the statutes is created to read:

4           14.57 (2m) The chairperson of the board of trustees of the University of  
5     Wisconsin or his or her designee.

6           **SECTION 39.** 14.76 (1m) of the statutes is created to read:

7           14.76 (1m) In this section, "state agency" includes the University of Wisconsin.

8           **SECTION 40.** 15.107 (12) (b) 2. of the statutes is amended to read:

9           15.107 (12) (b) 2. The chancellor of the University of ~~Wisconsin-Madison~~  
10    Wisconsin shall appoint one member to represent the state laboratory of hygiene.

11          **SECTION 41.** 15.135 (4) (c) 2. of the statutes is amended to read:

12          15.135 (4) (c) 2. The dean of the College of Agricultural and Life Sciences of the  
13    University of ~~Wisconsin-Madison~~ Wisconsin and the director of the University of  
14    Wisconsin-Extension to serve or appoint a person to serve as an advisory member  
15    of the board.

16          **SECTION 42.** 15.137 (2) (a) 8. of the statutes is amended to read:

17          15.137 (2) (a) 8. A member chosen jointly by the dean of the College of  
18    Agricultural and Life Sciences of the University of ~~Wisconsin-Madison~~ Wisconsin,  
19    the dean of the School of Veterinary Medicine of the University of  
20    ~~Wisconsin-Madison~~ Wisconsin, the dean of the College of Business, Industry, Life  
21    Science, and Agriculture of the University of Wisconsin-Platteville, the dean of the  
22    College of Agriculture, Food, and Environmental Sciences of the University of  
23    Wisconsin-River Falls, and the dean of the College of Natural Resources of the  
24    University of Wisconsin-Stevens Point to represent the colleges and school.

25          **SECTION 43.** 15.137 (5) (a) of the statutes is amended to read:

1           16.004 (8) (am) The secretary shall maintain a system of rental policies for  
2           state-owned housing administered by all agencies other than the University of  
3           Wisconsin, and shall periodically review the system for possible changes. Whenever  
4           the secretary proposes to change rental policies other than rental rates, the secretary  
5           shall submit a report relating to the system to the joint committee on finance. The  
6           report shall include any changes in rental policies recommended by the secretary.

7           **SECTION 68.** 16.004 (12) (a) of the statutes is amended to read:

8           16.004 (12) (a) In this subsection, "state agency" means an association,  
9           authority, board, department, commission, independent agency, institution, office,  
10          society, or other body in state government created or authorized to be created by the  
11          constitution or any law, including the legislature, the office of the governor, and the  
12          courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
13          the University of Wisconsin, the Wisconsin Aerospace Authority, the Health  
14          Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
15          Authority, the Wisconsin Quality Home Care Authority, and the Fox River  
16          Navigational System Authority.

\*\*\*\*NOTE: The above excludes the UW from rules that DOA must promulgate that govern surveillance by a state agency of the state agency's employees.

\*\*\*\*NOTE: We did not include the UW in s. 16.008 (2) (payment for extraordinary police service). Please let us know whether you want to make changes to s. 16.008 (2) which provides, in part: "The state shall pay for extraordinary police services provided directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of a state officer or agency responsible for the operation and preservation of such facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for extraordinary police services provided to facilities of the authority described in s. 70.11 (38). .... Municipalities or counties that provide extraordinary police services to state facilities may submit claims to the claims board for actual additional costs related to wage and disability payments, pensions and worker's compensation payments, damage to equipment and clothing, replacement of expendable supplies, medical and transportation expense, and other necessary expenses. .... The board shall obtain a review of the claim and recommendations from the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5), and (6)."

\*\*\*\*NOTE: We did not affect the definition of "agency" for purposes of the women's council under s. 16.01. Note that s. 16.01 (1) defines agency to include an institution of

— no change  
needed  
We are in  
70.119 (3)(e)  
definition

higher education, but does not define "institution of higher education." Arguably, the UW is an institution of higher education and thus an "agency" for purposes of the women's council. Is that okay? *O.K.*

1       **SECTION 69.** 16.04 (1) (intro.) of the statutes is amended to read:

2       16.04 (1) (intro.) The department shall ensure optimum efficiency and economy  
3 in the fleet management and maintenance activities of all agencies, as defined in s.  
4 16.52 (7), other than the University of Wisconsin. The department may:

5       **SECTION 70.** 16.045 (1) (a) of the statutes is amended to read:

6       16.045 (1) (a) "Agency" means an office, department, independent agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
11 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279.

\*\*\*\*NOTE: The above exempts the UW from DOA's authority over agency use of  
gasohol, alternative fuels, and hybrid-electric vehicles.

12       **SECTION 71.** 16.15 (1) (ab) of the statutes is amended to read:

13       16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but  
14 excludes the University of Wisconsin Hospitals and Clinics Authority, the University  
15 of Wisconsin, the Lower Fox River Remediation Authority, the Wisconsin Quality  
16 Home Care Authority, and the Health Insurance Risk-Sharing Plan Authority.

\*\*\*\*NOTE: The above exempts the UW from DOA's resource recovery and recycling  
program that applies to agencies and authorities. *We want to be part of this.*

17       **SECTION 72.** 16.41 (1) of the statutes is amended to read:

18       16.41 (1) All agencies shall keep their accounts and other financial records as  
19 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically  
20 directed by law. All agencies and authorities, and the University of Wisconsin shall  
21 furnish to the secretary all information relating to their financial transactions which

1 authorized to be created by the constitution or any law, that is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, but not  
3 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
4 37, 52, 231, 233, 234, 237, or 279.

5 **SECTION 79.** 16.53 (7) of the statutes is amended to read:

6 16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The  
7 certificate of the proper officers of the board of regents of the University of Wisconsin  
8 System, the board of trustees of the University of Wisconsin, the department of  
9 health services, or the proper officers of any other board or commission organized or  
10 established by the state, shall in all cases be evidence of the correctness of any  
11 account which may be certified by them.

12 **SECTION 80.** 16.54 (8g) of the statutes is amended to read:

13 16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available  
14 to the board of regents of the University of Wisconsin System or the University of <sup>board of trustees</sup>  
15 Wisconsin for instruction, extension, special projects or emergency employment <sup>of the</sup>  
16 opportunities.

\*\*\*\*NOTE: The above ensures that the UW maintains an exemption under current  
law that applies to the UW-System.

17 **SECTION 81.** 16.54 (8r) (a) of the statutes is amended to read:

18 16.54 (8r) (a) Whenever the federal government makes available moneys for  
19 instruction, extension, special projects or emergency employment opportunities, the  
20 board of regents of the University of Wisconsin System and the board of trustees of  
21 the University of Wisconsin may accept the moneys on behalf of the state. The board  
22 of regents and the board of trustees shall, in the administration of the expenditure  
23 of such moneys, comply with the requirements of the act of congress making the

1 moneys available and with the regulations prescribed by the federal government or  
2 the federal agency administering the act, insofar as the act or regulations are  
3 consistent with state law. The board of regents and the board of trustees may submit  
4 any plan, budget, application or proposal required by the federal agency as a  
5 precondition to receipt of the moneys. The board of regents and the board of trustees  
6 may, consistent with state law, perform any act required by the act of congress or the  
7 federal agency to carry out the purpose of the act of congress. The board of regents  
8 shall deposit all moneys received under this paragraph in the appropriation account  
9 under s. 20.285 (1) (m).

\*\*\*\*NOTE: Do you want to direct the board of trustees to report under s. 16.54 (8r)  
(b)? **No.**

10 **SECTION 82.** 16.54 (9) (a) 1. of the statutes is amended to read:

11 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,  
12 institution of higher education, association, society or other body in state  
13 government created or authorized to be created by the constitution or any law, which  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
16 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

\*\*\*\*NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that  
apply to "moneys received by an agency from the federal government as reimbursement  
for indirect costs of administration of a federal grant or contract for which no specific use  
is mandated by the federal government."

17 **SECTION 83.** 16.61 (13) (a) of the statutes is amended to read:

18 16.61 (13) (a) The historical society, as trustee for the state, shall be the  
19 ultimate depository of the archives of the state, and the board may transfer to the  
20 society such original records and reproductions as it deems proper and worthy of  
21 permanent preservation, including records and reproductions which the custodian

1 of trustees of the University of Wisconsin, the authority to enter into any contract for  
2 materials, supplies, equipment, or contractual services relating to information  
3 technology or telecommunications prior to review and approval of the contract by the  
4 department. No executive branch agency, other than the board of regents of the  
5 University of Wisconsin System, may enter into any such contract without review  
6 and approval of the contract by the department. Any executive branch agency that  
7 enters into a contract relating to information technology under this section shall  
8 comply with the requirements of s. 16.973 (13). Any delegation to the board of regents  
9 of the University of Wisconsin System is subject to the limitations prescribed in s.  
10 36.11 (49).

11 **SECTION 86.** 16.72 (8) of the statutes is amended to read:

12 16.72 (8) The department may purchase educational technology materials,  
13 supplies, equipment, or contractual services from orders placed with the department  
14 by school districts, cooperative educational service agencies, technical college  
15 districts, ~~and the board of regents of the University of Wisconsin System, and the~~  
16 board of trustees of the University of Wisconsin.

17 **SECTION 87.** 16.73 (5) of the statutes is amended to read:

18 16.73 (5) If the department designates the board of ~~regents~~ trustees of the  
19 University of Wisconsin System as its purchasing agent for any purpose under s.  
20 16.71 (1), the board may enter into a contract to sell any materials, supplies,  
21 equipment or contractual services purchased by the board to the University of  
22 Wisconsin Hospitals and Clinics Authority, and may contract with the University of  
23 Wisconsin Hospitals and Clinics Authority for the joint purchase of any materials,  
24 supplies, equipment or contractual services if the sale or purchase is made  
25 consistently with that delegation and with this subchapter.

\* Still need new section under 16.73 (see 2/4/11 non-36 provisions spreadsheet) and change to 16.73 (4)(a) - (see same spreadsheet)

\* 16.75(1)(b) + (c) = raise \$ limits to \$50K from \$25K } at least  
\* 16.75(2m)(b) + (c) = raise \$ limits to \$50K from \$25K } for  
1 SECTION 88. 16.75 (6) (c) of the statutes is amended to read:

2 16.75 (6) (c) If the secretary determines that it is in the best interest of this state  
3 to do so, ~~he or she or~~ for purchases by the University of Wisconsin, the chairperson  
4 of the board of trustees determines it is in the best interest of the University to do  
5 so, the secretary or chairperson may, with the approval of the governor, waive the  
6 requirements of subs. (1) to (5) and may purchase supplies, material, equipment, or  
7 contractual services, other than printing and stationery, from a private source other  
8 than a source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of  
9 the purchase is expected to exceed \$25,000, the department shall first publish a class  
10 2 notice under ch. 985 or post a notice on the Internet at the site determined or  
11 approved by the department under sub. (1) (b) describing the materials, supplies,  
12 equipment, or contractual services to be purchased, stating the intent to make the  
13 purchase from a private source without soliciting bids or competitive sealed  
14 proposals and stating the date on which the contract or purchase order will be  
15 awarded. The date of the award shall be at least 7 days after the date of the last  
16 insertion or the date of posting on the Internet.

17 SECTION 89. 16.765 (1) of the statutes is amended to read:

18 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
19 Clinics Authority, the University of Wisconsin, the Fox River Navigational System  
20 Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing  
21 Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality  
22 Home Care Authority, and the Bradley Center Sports and Entertainment  
23 Corporation shall include in all contracts executed by them a provision obligating the  
24 contractor not to discriminate against any employee or applicant for employment  
25 because of age, race, religion, color, handicap, sex, physical condition, developmental



1 authorization to the agency to procure the materials, supplies, equipment, or  
2 contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies,  
3 equipment, or contractual services from another agency or to provide the materials,  
4 supplies, equipment, or contractual services to itself. The board of regents of the  
5 University of Wisconsin System may make purchases of materials, supplies,  
6 equipment, and contractual services relating to information technology or  
7 telecommunications from the department.

8 **SECTION 97.** 16.847 (1) (b) of the statutes is amended to read:

9 16.847 (1) (b) "State facilities" means all property owned and operated by the  
10 state for the purpose of carrying out usual state functions, including the University  
11 of Wisconsin and each institution within the University of Wisconsin System.

12 **SECTION 98.** 16.85 (1) of the statutes is amended to read:

13 16.85 (1) To take charge of and supervise all engineering or architectural  
14 services or construction work, as defined in s. 16.87, performed by, or for, the state,  
15 or any department, board, institution, commission, or officer of the state, and any  
16 such work to be performed for the University of Wisconsin, including  
17 nonprofit-sharing corporations organized for the purpose of assisting the state in the  
18 construction and acquisition of new buildings or improvements and additions to  
19 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work  
20 to be performed for the University of Wisconsin with respect to a building, structure,  
21 or facility that is funded entirely with the proceeds of gifts or grants made to the  
22 university; the engineering, architectural, and construction work of the department  
23 of transportation; and the engineering service performed by the department of  
24 commerce, department of revenue, public service commission, department of health  
25 services, and other departments, boards, and commissions when the service is not

program revenue or  
other non-state  
appropriated  
funds

1 related to the maintenance, and construction and planning, of the physical  
2 properties of the state. The department may not authorize construction work for any  
3 state office facility in the city of Madison after May 11, 1990, unless the department  
4 first provides suitable space for a child care center primarily for use by children of  
5 state employees.

6 **SECTION 99.** 16.85 (2) of the statutes is amended to read:

7 16.85 (2) To furnish engineering, architectural, project management, and other  
8 building construction services whenever requisitions therefor are presented to the  
9 department by any agency or the University of Wisconsin. The department may  
10 deposit moneys received from the provision of these services in the account under s.  
11 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this  
12 subsection, "agency" means an office, department, independent agency, institution  
13 of higher education, association, society, or other body in state government created  
14 or authorized to be created by the constitution or any law, which is entitled to expend  
15 moneys appropriated by law, including the legislature and the courts, but not  
16 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
17 37, 52, 231, 233, 234, 237, or 279.

18 **SECTION 100.** 16.85 (4) of the statutes is amended to read:

19 16.85 (4) To approve the appointment of a chief operating engineer for each  
20 state-owned or operated heating, cooling or power plant and pumping station ~~and~~  
21 ~~each such plant owned or operated by the University of Wisconsin,~~ to provide for the  
22 methods of operating the plants and stations and to design records and forms for  
23 reporting accurately the cost per unit of product or service. The superintendent or  
24 other person having charge of each plant or station shall not only report to the agency  
25 which operates the plant or station or to the University of Wisconsin if the university

1 ~~operates the plant or station~~ but to the secretary in the manner and at such times  
2 as the secretary determines. In this subsection, "agency" has the meaning given  
3 under sub. (2).

4 **SECTION 101.** 16.85 (5) of the statutes is amended to read:

5 16.85 (5) To promote the use of energy conservation methods in state-owned  
6 facilities and facilities owned by the University of Wisconsin, to implement and  
7 refine a statewide energy monitoring system and to develop and implement  
8 initiatives of replacing fossil fuels with renewable energy fuels.

9 **SECTION 102.** 16.85 (7) of the statutes is amended to read:

10 16.85 (7) To rebuild and repair discarded machinery of the several state  
11 institutions and the University of Wisconsin when found feasible, and put the same  
12 back into service in the same department or at the university or in any other state  
13 department or the university, and upon requisition to furnish services and material  
14 and loan equipment at fair rentals based on the cost thereof, in connection with the  
15 construction, operation and maintenance of heating and power plants, utilities and  
16 equipment.

17 **SECTION 103.** 16.85 (10) of the statutes is amended to read:

18 16.85 (10) To prepare in cooperation with the state agencies concerned and  
19 with the University of Wisconsin, plans for the future growth and development of  
20 various state institutions and to serve as technical adviser to the building  
21 commission in connection with the development of the state long-range building  
22 program provided in ss. 13.48 and 13.482.

23 **SECTION 104.** 16.85 (12) of the statutes is amended to read:

24 16.85 (12) To review and approve plans and specifications for any building or  
25 structure that is constructed for the benefit of the University of Wisconsin System

1 or any institution thereof, and to periodically review the progress of any such  
2 building or structure during construction to assure compliance with the approved  
3 plans and specifications. ~~This subsection does not apply to any building, structure,~~  
4 ~~or facility that is constructed, remodeled, repaired, renewed, or expanded for the~~  
5 ~~University of Wisconsin if the project is funded entirely from the proceeds of gifts or~~  
6 ~~grants, made to the university.~~ *program revenue or other non-state appropriated funds*

7 SECTION 105. 16.851 of the statutes is amended to read:

8 **16.851 Plans for state and university buildings, structures or facilities.**

9 Except as the department otherwise provides by rule, records of the department and  
10 the University of Wisconsin containing plans or specifications for any state-owned  
11 or state-leased or any university-owned or university-leased building, structure or  
12 facility, or any proposed state-owned or state-leased or university-owned or  
13 university-leased building, structure or facility, are not subject to the right of public  
14 inspection or copying under s. 19.35 (1). If the department or the University of  
15 Wisconsin transfers any records containing any such plans or specifications to any  
16 other authority as defined in s. 19.32 (1), the department or university shall require  
17 the authority to agree in writing not to make the record available for public  
18 inspection or copying except as the department otherwise permits by rule.

19 SECTION 106. 16.8511 of the statutes is amended to read:

20 **16.8511 Secretary of administration; powers, duties. (1)** The secretary

21 or the secretary's designated assistants shall make a biennial inspection of each  
22 building of each institution of the state and the University of Wisconsin. The  
23 secretary may delegate this responsibility to the board, commission or officer in  
24 charge of such institution.

1 approval under s. 13.48 (10), and for such purposes, may authorize the expenditure  
2 of up to \$500,000 from the state building trust fund or from other available moneys  
3 appropriated to an agency or other available moneys of the University of Wisconsin  
4 derived from any revenue source. The governor may delegate to the secretary the  
5 authority to grant approvals under this subdivision. The governor shall report any  
6 such authorization to the building commission at its next regular meeting following  
7 the authorization. In this subdivision, "emergency" means any natural or  
8 human-caused situation that results in or may result in substantial injury or harm  
9 to the population or substantial damage to or loss of property.

10 **SECTION 116.** 16.855 (20) of the statutes is amended to read:

11 16.855 (20) This section does not apply to construction work performed by  
12 University of Wisconsin System or University of Wisconsin students when the  
13 construction work performed is a part of a curriculum and where the work is  
14 course-related for the student involved. Prior approval of the building commission  
15 must be obtained for all construction projects to be performed by University of  
16 Wisconsin System or University of Wisconsin students, except projects specified in  
17 s. 13.48 (10 (c)).

18 **SECTION 117.** 16.855 (22) of the statutes is amended to read:

19 16.855 (22) The provisions of this section, except sub. (10m), do not apply to  
20 construction work for any project that does not require the prior approval of the  
21 building commission under s. 13.48 (10) (a) if the project is constructed in accordance  
22 with policies and procedures prescribed by the building commission under s. 13.48  
23 (29). The provisions of this section do not apply to construction work for any project  
24 by or for the University of Wisconsin that is funded entirely with the proceeds of gifts,  
25 <sup>program revenue or other non-state appropriated funds.</sup>  
or grants, made to the university. If the estimated construction cost of any project,

1 other than a University of Wisconsin project that is exempted under this subsection.  
2 is at least \$40,000, and the building commission elects to utilize the procedures  
3 prescribed under s. 13.48 (29) to construct the project, the department shall provide  
4 adequate public notice of the project and the procedures to be utilized to construct  
5 the project on a publicly accessible computer site.

6 **SECTION 118.** 16.858 (1) of the statutes is amended to read:

7 16.858 (1) The department may contract with a qualified contractor for an  
8 energy conservation audit to be performed at any state-owned building, structure  
9 or facility or any building, structure, or facility owned by the University of Wisconsin.  
10 Under the contract, the contractor shall prepare a report containing a description of  
11 the physical modifications to be performed to the building, structure or facility that  
12 are required to effect specific future energy savings within a specified period and a  
13 determination of the minimum savings in energy usage that will be realized by the  
14 state or the University of Wisconsin from making these modifications within that  
15 period. After review of the audit report and subject to approval under s. 13.48 (10),  
16 where required, the department may contract with the contractor for construction  
17 work to be performed at the building, structure or facility for the purpose of realizing  
18 potential savings of future energy costs identified in the audit if, in the judgment of  
19 the department, the anticipated savings to the state after completion of the work will  
20 enable recovery of the costs of the work within a reasonable period of time.

21 **SECTION 119.** 16.858 (2) of the statutes is amended to read:

22 16.858 (2) (a) A contract under sub. (1) may provide for the construction work  
23 to be financed by the state or the University of Wisconsin or by the contractor. The  
24 contract shall provide for the state or university to pay a stated amount, which shall  
25 include any financing costs incurred by the contractor. The stated amount may not

*We would prefer not  
to be a part  
of 16.858.  
Under this  
statute, it  
appears that  
DOT would  
be able  
to force  
us to  
pay for  
conservation  
projects  
they deem  
necessary.*

1       **SECTION 130.** 16.875 of the statutes is amended to read:

2       **16.875 Setoffs.** All amounts owed by this state or the University of Wisconsin  
3 under this subchapter are subject to being set off under s. 73.12.

4       **SECTION 131.** 16.89 of the statutes is amended to read:

5       **16.89 Construction and services controlled by this chapter.** No  
6 department, independent agency, constitutional office or agent of the state shall  
7 employ engineering, architectural or allied services or expend money for  
8 construction purposes on behalf of the state, except as provided in this chapter. The  
9 University of Wisconsin shall not employ engineering, architectural, or allied  
10 services or expend money for construction purposes on behalf of the university  
11 except as provided in this chapter and except that the university may engage such  
12 employment for any project that is financed entirely from the proceeds of gifts, or \*  
13 grants, made to the university, <sup>a program revenue or other non-State appropriated funds.</sup>

14       **SECTION 132.** 16.891 (1) (b) of the statutes is amended to read:

15       16.891 (1) (b) "Total cost of occupancy" means the cost to operate and maintain  
16 the physical plant of a building, structure, or facility, including administrative costs  
17 of an agency or the University of Wisconsin attributable to operation and  
18 maintenance of a building, structure, or facility, together with any debt service costs  
19 associated with the building, structure, or facility, computed in the manner  
20 prescribed by the department.

21       **SECTION 133.** 16.891 (2) of the statutes is amended to read:

22       16.891 (2) Except as provided in sub. (4), each agency and the University of  
23 Wisconsin shall report to the department no later than October 1 of each year  
24 concerning the total cost of occupancy of each state-owned or university-owned  
25 building, structure, and facility, excluding public highways and bridges, under the

\* would it be better to refer to "non-GPR"?

1       **SECTION 156.** 16.993 (7) of the statutes is amended to read:

2       16.993 (7) Purchase educational technology materials, supplies, equipment,  
3       and contractual services for school districts, cooperative educational service  
4       agencies, technical college districts, the board of trustees of the University of  
5       Wisconsin, and the board of regents of the University of Wisconsin System under s.  
6       16.72 (8), and establish standards and specifications for purchases of educational  
7       technology hardware and software by school districts, cooperative educational  
8       service agencies, technical college districts, and the board of regents of the  
9       University of Wisconsin System.

10       **SECTION 157.** 19.42 (13) (bm) of the statutes is created to read:

11       19.42 (13) (bm) The position of chancellor and vice chancellor of the University  
12       of Wisconsin.

- Consider proposed  
19.36 (14)  
from  
spreadsheets.

13       **SECTION 158.** 19.45 (11) (e) of the statutes is created to read:

14       19.45 (11) (e) The board of trustees of the University of Wisconsin shall  
15       establish a code of ethics for its employees who are not state public officials.

16       **SECTION 159.** 19.84 (5m) of the statutes is created to read:

17       19.84 (5m) Departments and their subunits in the University of Wisconsin are  
18       exempt from the requirements of subs. (1) to (4) but shall provide meeting notice  
19       which is reasonably likely to apprise interested persons, and news media who have  
20       filed written requests for such notice.

21       **SECTION 160.** 20.235 (1) (fe) of the statutes is amended to read:

22       20.235 (1) (fe) Wisconsin higher education grants; University of Wisconsin and  
23       University of Wisconsin System students. A sum sufficient equal to \$37,750,000 in  
24       the 2009-10 fiscal year, equal to \$58,345,400 in the 2010-11 fiscal year, and equal  
25       to the amount calculated under s. 39.435 (7) for the Wisconsin higher education grant



\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 166.** 20.285 (1) (fc) of the statutes is renumbered 20.280 (1) (fc).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 167.** 20.285 (1) (fd) of the statutes is repealed.

- New appropriation  
for UW?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 168.** 20.285 (1) (fj) of the statutes is repealed.

- New appropriation  
for UW?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 169.** 20.285 (1) (gm) of the statutes is renumbered 20.280 (1) (gm).

- Necessary?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 170.** 20.285 (1) (gn) of the statutes is renumbered 20.280 (1) (gn).

- Necessary?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6       **SECTION 171.** 20.285 (1) (gr) of the statutes is renumbered 20.280 (1) (gr) and

7       amended to read:

8           20.280 (1) (gr) *Center for urban land economics research.* The amounts in the  
9       schedule for research and educational, public outreach and grant activities under s.  
10       ~~36.25~~ 37.25 (34). Ten dollars of each renewal fee received under s. 452.12 (5) shall be  
11       credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12       **SECTION 172.** 20.285 (1) (h) of the statutes is amended to read:

13           20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and  
14       (6) (g), all moneys received by the University of Wisconsin System for or on account  
15       of any housing facility, commons, dining halls, cafeteria, student union, athletic  
16       activities, stationery stand or bookstore, parking facilities or car fleet, or such other  
17       auxiliary enterprise activities as the board designates and including such fee

1           37.25 (13g) (a) The board shall establish at the ~~University of~~  
2 ~~Wisconsin-Madison university~~ the "University of Wisconsin Hospitals and Clinics".

3           (b) (intro.) The board shall maintain, control and supervise the use of the  
4 University of Wisconsin Hospitals and Clinics, for the purposes of all of the following:

5           (d) This subsection applies only in the event that the on-campus facilities, as  
6 defined in s. 233.01 (7), leased to the University of Wisconsin Hospitals and Clinics  
7 Authority under s. ~~36.11~~ 37.11 (28), and any improvements, modifications or other  
8 facilities specified in s. 233.04 (7) (c), are transferred to the board under s. 233.04 (3b)  
9 (b), (7g) (b) or (7p) (b).

10           SECTION 234. 36.25 (13m) of the statutes is repealed. \*

11           SECTION 235. 36.25 (13s) of the statutes is renumbered <sup>37</sup>~~36~~.25 (13s) and  
12 amended to read: \*

13           <sup>37</sup>~~36~~.25 (13s) MEDICAL PRACTICE IN UNDERSERVED AREAS. Of the moneys  
14 appropriated to the board under s. ~~20.285~~ 20.280 (1) (fc) of the statutes, the board  
15 shall, ~~beginning in fiscal year 2008-09~~, allocate \$400,000 in each fiscal year for the  
16 department of family medicine and practice in the ~~University of Wisconsin~~ School of  
17 Medicine and Public Health to support the Wisconsin Academy for Rural Medicine,  
18 the Academy for Center-city Medical Education, and the Wisconsin Scholars  
19 Academy programs. The board may not expend any moneys allocated under this  
20 subsection in a fiscal year unless the board receives \$400,000 in gifts and grants from  
21 private sources in that fiscal year for supporting such programs.

22           SECTION 236. 36.25 (14) of the statutes is renumbered 37.25 (14) and amended  
23 to read:

24           37.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant  
25 program for minority and disadvantaged graduate students enrolled in the system.

Do not just  
renumber;  
create  
comparable  
provisions  
in both  
chapters

1 (b) Allow resident students who are admitted to law school 6 years after first  
2 enrolling to complete requirements for a degree; ~~and~~.

3 **SECTION 240.** 36.25 (21m) of the statutes is renumbered 37.25 (21m) and  
4 amended to read:

5 **37.25 (21m)** GREAT LAKES INDIAN LAW PROGRAM. The board shall establish a  
6 Great Lakes Indian law program at the University of ~~Wisconsin-Madison~~ Wisconsin  
7 Law School.

8 **SECTION 241.** 36.25 (23) of the statutes is renumbered 37.25 (23) and amended  
9 to read:

10 **37.25 (23)** ROBERT M. LA FOLLETTE INSTITUTE OF PUBLIC AFFAIRS. There is  
11 established a Robert M. La Follette institute of public affairs at the University of  
12 ~~Wisconsin-Madison~~ Wisconsin. The institute shall engage in research, public  
13 service and educational activities to advance the knowledge of public affairs and the  
14 application of that knowledge to the needs of this state.

\*\*\*\*NOTE: We did not affect s. 36.25 (24) (employee-owned business program). Do  
you want comparable language in s. 37.25? Also note that s. 36.25 (24) refers to the  
"University of Wisconsin small business development center." Does that center stay in  
the UW System? If so, perhaps the name should be changed to the UW System small  
business development center, so that it is not confused with the new UW. *Delete from*  
*ch. 36 and do not add to ch. 37.*

\*\*\*\*NOTE: We did not affect s. 36.25 (28) (schools of business). The language is  
completely about using certain money for certain purposes. The trustees will determine  
this.

15 **SECTION 242.** 36.25 (30m) of the statutes is renumbered 37.25 (30m) and  
16 amended to read:

17 **37.25 (30m)** AGRICULTURAL TECHNOLOGY AND FAMILY FARM PROGRAMS. The board  
18 may establish agricultural technology and family farm programs in the College of  
19 Agricultural and Life Sciences at the University of ~~Wisconsin-Madison~~ Wisconsin.

1       **SECTION 263.** 36.58 (2) of the statutes is renumbered 37.58 <sup>(1)</sup>~~(2)~~.

2       **SECTION 264.** 36.58 (3) of the statutes is renumbered 37.58 <sup>(2)</sup>~~(3)~~ and 37.58 <sup>(2)</sup>~~(3)~~ (c),

3       as renumbered, is amended to read:

4       37.58 <sup>(2)</sup>~~(3)~~ (c) The veterinary diagnostic laboratory board may identify services  
5       that are necessary to protect human health and safety for which the veterinary  
6       diagnostic laboratory may not charge fees.

7       **SECTION 265.** 36.58 (3m) of the statutes is renumbered 37.58 <sup>(3)</sup>~~(3m)~~ and  
8       amended to read:

9       37.58 <sup>(3)</sup>~~(3m)~~ **APPOINTMENT OF DIRECTOR.** ~~After consultation with the veterinary~~  
10      ~~diagnostic laboratory board, the~~ The chancellor of the University of  
11      ~~Wisconsin-Madison~~ shall appoint an individual who has received the degree of  
12      doctor of veterinary medicine as the director of the veterinary diagnostic laboratory.

13      **SECTION 266.** 36.58 (4) and (5) of the statutes are repealed.

14      **SECTION 267.** 36.58 (6) of the statutes is renumbered 37.58 (6).

15      **SECTION 268.** 36.59 (8) of the statutes is repealed.

16      **SECTION 269.** 36.60 (title) of the statutes is amended to read:

17      **36.60 (title)** ~~Physician and dentist~~ **Dentist loan assistance program.**

18      **SECTION 270.** 36.60 (1) (ag) of the statutes is renumbered 37.60 (1) (ag).

19      **SECTION 271.** 36.60 (1) (aj) of the statutes is renumbered 37.60 (1) (aj).

20      **SECTION 272.** 36.60 (1) (ap) of the statutes is renumbered 37.60 (1) (ap).

21      **SECTION 273.** 36.60 (1) (b) of the statutes is renumbered 37.60 (1) (b).

22      **SECTION 274.** 36.60 (1) (cm) of the statutes is renumbered 37.60 (1) (cm).

23      **SECTION 275.** 36.60 (1) (d) of the statutes is amended to read:

24      36.60 (1) (d) "Rural area" has the meaning given in s. ~~36.63~~ 37.63 (1) (c).

1 ~~with respect to a dental hygienist "eligible practice area" means a dental health~~  
2 ~~shortage area.~~

3 SECTION 301. 36.61 (1) (b) of the statutes is renumbered 37.61 (1) (b) and  
4 amended to read:

5 37.61 (1) (b) "Health care provider" means a ~~dental hygienist~~, physician  
6 assistant, nurse-midwife, or nurse practitioner.

7 SECTION 302. 36.61 (1) (bp) of the statutes is renumbered 37.61 (1) (bp) *Amend to cross-reference*  
8 *37.9011(a)*

8 SECTION 303. 36.61 (1) (d) of the statutes is renumbered 37.61 (1) (d). *Amend 37.61(1)(d) to*  
9 *cross reference 37.6011(a)*

9 SECTION 304. 36.61 (1) (e) of the statutes is amended to read:

10 36.61 (1) (e) "Rural area" has the meaning given in s. ~~36.63~~ 37.63 (1) (c).

11 SECTION 305. 36.61 (2) of the statutes is amended to read:

12 36.61 (2) ELIGIBILITY. The board may repay, on behalf of a ~~health care provider~~  
13 ~~dental hygienist~~, up to \$25,000 in educational loans obtained by the ~~health care~~  
14 ~~provider dental hygienist~~ from a public or private lending institution for education  
15 related to the ~~health care provider's field of practice of dental hygiene~~, as determined  
16 by the board with the advice of the council.

17 SECTION 306. 36.61 (3) (a) of the statutes is amended to read:

18 36.61 (3) (a) The board shall enter into a written agreement with the ~~health~~  
19 ~~care provider dental hygienist~~. In the agreement, the ~~health care provider dental~~  
20 ~~hygienist~~ shall agree to practice at least 32 clinic hours per week for 3 years in one  
21 or more ~~eligible practice dental health shortage~~ areas in this state or in a rural area,  
22 ~~except that a health care provider in the expanded loan assistance program under~~  
23 ~~sub. (8) who is not a dental hygienist may only agree to practice at a public or private~~  
24 ~~nonprofit entity in a health professional shortage area.~~

25 SECTION 307. 36.61 (5) (b) 1. of the statutes is amended to read:

the requirement to submit a plan? We suggest either leaving the plan requirement  
without the appropriation trigger or deleting the plan requirement.

327  
We would prefer  
the first option.

\*\*\*\*NOTE: We retained an appropriation from the critical access hospital assessment fund.

(4) (b) 1. The number of such physician residency positions funded in whole or in part under this section or s. 36.63, 2009 stats. in the previous fiscal year.

**SECTION 328.** Chapter 37 of the statutes is created to read:

## CHAPTER 37

## UNIVERSITY OF WISCONSIN

**37.001 Statement of Purpose and Mission.** (1) The University of Wisconsin continues to be this state's comprehensive teaching and research university, with a statewide, national, and international mission, offering programs at the undergraduate, graduate, and professional levels in a wide range of fields while engaging in extensive scholarly research, continuing adult education, and public service.

(2) The primary purpose of the university is to provide a learning environment in which faculty, staff, and students may discover, examine critically, preserve, and transmit the knowledge, wisdom, and value that will help ensure the survival of this and future generations and improve the quality of life for all. The university seeks to help students develop an understanding and appreciation of the complex cultural and physical worlds in which they live and to realize their highest potential of intellectual, physical, and human development. It also seeks to attract and serve students from diverse social, economic, and ethnic backgrounds and to be sensitive and responsive to those groups that have been underserved by higher education.

**37.01 Definitions.** In this chapter:

**(1) "Authority"** means the authority created in this chapter.

1 (1) "Academic staff" means those university employees who immediately prior to the  
effective date of this subsection were designated as academic staff of the  
University of Wisconsin-Madison, and those university employees hired or designated  
as academic staff at the university.

2 (2) "Board" means the board of trustees of the authority.

3 (3) "Board of regents" means the board of regents of the system.

4 (4) "Campus" means the publicly owned or leased buildings and grounds which  
comprise all or part of the university.

\*\*\*\*NOTE: Is "publicly owned" correct? OK

5 (5) "Chancellor" means the chief executive of the university.

6 (6) "Faculty" means persons who hold the rank of professor, associate professor,  
7 assistant professor or instructor in an academic department or its functional  
8 equivalent in the university and such other employees as may be designated by the  
9 chancellor and faculty.

10 (7) "Student" means any person who is registered for study in the university  
11 for the current academic period. For the purpose of administering particular  
12 programs or functions involving students, the board shall adopt rules defining  
13 continuation or termination of student status during periods between academic  
14 periods.

15 (8) "System" means the University of Wisconsin System.

16 (9) "University" means the university operated by the board under this  
17 chapter.

18 **37.02 University of Wisconsin: creation; organization of board of**  
19 **trustees.** (1) (a) There is created an authority, which is a public body corporate and  
20 ~~formerly known as the University of Wisconsin-Madison,~~  
politic, to be known as the "University of Wisconsin." The board shall consist of the  
21 ~~now~~  
following:

22 1. The following members, at least 7 of whom shall be university alumni,  
23 appointed by the governor for 3-year terms:

24 a. One member of the board of regents.

1 b. One member who represents agricultural interests in this state.

2 c. Nine additional members.

3 2. The following members appointed for 3-year terms:

4 a. Two faculty members selected by the faculty.

5 b. One university employee who is not a faculty member, selected by university  
6 employees who are not faculty.

7 c. Six university alumni selected jointly by the Wisconsin Alumni Research  
8 Foundation board, the Wisconsin Alumni Association board, and the University of  
9 Wisconsin Foundation board.

10 3. One student enrolled in the university, selected by students enrolled in the  
11 university, for a 2-year term.

12 4. The chancellor, who shall serve as a nonvoting member.

13 (b) Members appointed under par. (a) 1. c. and 2. c. shall have management  
14 experience or possess expertise in aspects of the university's mission, <sup>such as</sup> ~~including~~  
15 undergraduate, graduate, and professional education, research, intellectual  
16 property, support of existing industries, new business startups, and public service.

\*\*\*\*NOTE: You suggested language stated "The board ... will be comprised primarily  
of alumni and donors ...." If you want to include this, please specify how many members  
appointed by each person or body given appointment authority must be donors, and  
please define "donor."

17 (c) Members appointed under par. (a) 1. and 2. may serve no more than 2  
18 consecutive terms. The member appointed under par. (a) 3. may serve no more than  
19 one term.

\*\*\*\*NOTE: "No more than 2 consecutive terms" does not limit the number of terms,  
only the number served consecutively.

20 (2) A vacancy on the board shall be filled in the same manner as the original  
21 appointment to the board for the remainder of the unexpired term, if any.



1           (3) A member of the board may not be compensated for his or her services but  
2       shall be reimbursed for actual and necessary expenses, including travel expenses,  
3       incurred in the performance of his or her duties.

4           (4) No cause of action of any nature may arise against and no civil liability may  
5       be imposed upon a member of the board for any act or omission in the performance  
6       of his or her powers and duties under this chapter, unless the person asserting  
7       liability proves that the act or omission constitutes willful misconduct.

8           (5) The members of the board shall annually elect a chairperson and may elect  
9       other officers as they consider appropriate. <sup>Eleven</sup>~~Thirteen~~ voting members of the board  
10      constitute a quorum for the purpose of conducting the business and exercising the  
11      powers of the authority, notwithstanding the existence of any vacancy. The board  
12      may take action upon a vote of a majority of the members present, unless the bylaws  
13      of the authority require a larger number.

14          (6) The board shall appoint a chancellor to serve as chief executive officer of the  
15      university. The chancellor serves at the pleasure of the board. The chancellor shall  
16      receive such compensation as the board fixes.

17          (6m) The board shall appoint a secretary of the board, who shall keep a record  
18      of all its transactions.

19          (7) The state treasurer shall be the treasurer of the board for those moneys  
20      appropriated to the board under s. 20.280.

21          (8) (a) The board shall provide in its operating policies for access to the board  
22      by the public, faculty, students and chancellors.

23          (b) The board meetings shall be open and all records of such meetings and of  
24      all proceedings of the board shall be open to inspection in accordance with subchs.  
25      II and V of ch. 19.

1       **37.03 Responsibilities. (1) BOARD.** (a) The primary responsibility for  
2 governance of the authority is vested in the board, which shall operate a university  
3 at or near the seat of government, and adopt policies for governing the university.

      \*\*\*NOTE: We did not add your suggested language about assisting the university  
in carrying out its mission, etc. The board governs the university; how can it "assist" the  
university?

4       (b) The board shall determine the educational programs to be offered by the  
5 university and may discontinue educational programs as it deems necessary.

6       (c) The board shall appoint a chancellor; faculty; other employees; the state  
7 geologist; the director of the laboratory of hygiene; the director of the psychiatric  
8 institute; the state cartographer; and fix the salaries, the duties, and the term of  
9 office for each. No sectarian or partisan tests or any tests based upon (race, religion,  
10 national origin, or sex) shall ever be allowed or exercised in the appointment of the  
11 employees of the university.

12       (d) The board shall delegate to the chancellor the necessary authority for the  
13 administration and operation of the university within the policies and guidelines  
14 established by the board.

15       (e) In order to provide for the evaluation of the quality and effectiveness of the  
16 university, the board shall prepare an accountability report measuring its  
17 performance in such areas as the access and affordability of the university, student  
18 achievement, the research efforts of the university, the economic impact of the  
19 university on the state, the services provided by the university to the residents of the  
20 state, and the financial accountability of the university's operations. By July 1, 2012,  
21 and biennially thereafter, the board shall submit the accountability report to the  
22 governor and shall post the report prominently on its website.

Make consistent  
with categories  
of 57.12.

1           (2) CHANCELLOR. The chancellor shall be vested with the responsibility of  
2     administering board policies and be accountable and report to the board on the  
3     operation and administration of the university. Subject to board policy, the  
4     chancellor, in consultation with the faculty, shall be responsible for designing  
5     curricula and setting degree requirements; determining academic standards and  
6     establishing grading systems; defining and administering institutional standards  
7     for faculty peer evaluation and screening candidates for appointment, promotion  
8     and tenure; recommending individual merit increases; administering associated  
9     auxiliary services; and administering all funds, from whatever source, allocated,  
10    generated or intended for use of the university. The chancellor may designate a  
11    person as provost, to act as chief executive officer of the institution in the chancellor's  
12    absence.

13           (3) FACULTY. The faculty, subject to the responsibilities and powers of the board  
14    and the chancellor, shall be vested with responsibility for the immediate governance  
15    of the university and shall actively participate in university policy development. As  
16    such, the faculty shall have the primary responsibility for academic and educational  
17    activities and faculty personnel matters. The faculty shall have the right to  
18    determine their own faculty organizational structure and to select representatives  
19    to participate in university governance.

20           (4) ~~ACADEMIC STAFF.~~ <sup>Academic</sup> ~~Those university employees who immediately prior to the~~ <sup>The academic staff members of the university</sup>  
21    ~~effective date of this subsection .... [LRB inserts date], were designated as academic~~  
22    ~~staff at the University of Wisconsin-Madison, and those university employees hired~~  
23    ~~or designated as academic staff at the university,~~ subject to the responsibilities and  
24    powers of the board, the chancellor, and the faculty, shall be active participants in  
25    the immediate governance of and policy development for the university. Those

1 police authorities as they meet and exercise their statutory responsibilities. The  
2 designated agents of the board may arrest, with or without warrant, any person on  
3 such property who they have reasonable grounds to believe has violated a state law  
4 or any rule promulgated under this chapter and deliver such person to any court  
5 having jurisdiction over the violation and execute a complaint charging such person  
6 with the violation. This subsection does not impair the duty of any other peace  
7 officers within their jurisdictions to arrest and take before the proper court persons  
8 found violating any state law on such property.

9 (b) The board may employ police for the university and chiefs to head such  
10 police, or contract for police, all of whom shall be deemed peace officers under s.  
11 939.22 (22) under the supervision and control of the chancellor or the chancellor's  
12 designee. Such police officers shall meet the minimum standards established for  
13 other police officers by the law enforcement standards board or a comparable agency.  
14 Such police shall preserve the peace on all property described under par. (a), enforce  
15 all rules promulgated under this chapter and all other laws, and for that purpose the  
16 chancellor or the chancellor's designee may call for aid from such other persons as  
17 is deemed necessary.

18 (3) ADMISSION OF APPLICANTS. (a) The board shall establish the policies for  
19 admission to the University and within these policies shall establish specific  
20 requirements for admission to its courses of instruction. No sectarian or partisan  
21 tests or any tests based upon (race, religion, national origin of U.S. citizens or sex) ✓  
22 shall ever be allowed in the admission of students thereto. *Make consistent with 37.12(1) in terms of categories.*

23 (b) The board may establish policies for the appropriate transfer of credits with  
24 other educational institutions.

1           **(8) PARKING RULES.** (a) The board may make general policies and shall  
2 authorize the chancellor to promulgate rules regulating the parking of motor  
3 vehicles on property under its jurisdiction.

4           (b) The board shall establish fines for the violation of any rule promulgated  
5 under par. (a). The university may collect such fines together with moneys collected  
6 from the sale of parking permits and other fees established under par. (a), to be used  
7 only for the purpose of developing and operating parking or other transportation  
8 facilities at the university and for enforcing parking rules under par. (a).

9           **(8e) PARKING FEES.** The board shall charge a parking fee for the parking of  
10 motor vehicles by students, employees, and visitors at campus. The board ~~shall~~ <sup>may</sup>  
11 require the fee to be sufficient to recover the costs of the construction and  
12 maintenance necessary for the parking facilities. Nothing in this paragraph  
13 requires the recovery of the costs of land for parking facilities. Nothing in this  
14 paragraph requires that all users of the parking facilities be charged a parking fee.

15           **(8m) TRANSPORTATION PLANNING.** The board shall work with the regional  
16 planning commissions and the local authorities of the community in which the  
17 university is located to evaluate the transportation needs of the <sup>university</sup> ~~campus~~ population.  
18 The board shall develop a transportation plan for the university to effect energy  
19 resource conservation and efficient use of transportation resources. The plan shall  
20 include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and  
21 van pools and, to the extent feasible, improved mass transit services. The  
22 transportation plans shall detail parking management strategies which provide  
23 incentives for the use of mass transit and high occupancy vehicles.

24           **(9) CONDEMNATION.** The board may acquire by condemnation proceedings  
25 under ch. 32 such parcels of land as it deems necessary for the use of the university

1 materials in order to avoid unnecessary duplication and facilitating the loaning of  
2 library books and other library and research materials between participating  
3 institutions. The board shall possess all powers necessary or convenient to  
4 accomplish the foregoing, including the authority to designate representatives or  
5 members of such corporation in accordance with its articles and bylaws.

6 (b) The board may make use of and pay for the use of the facilities and services  
7 of such nonprofit-sharing corporation, but the board shall retain title to all books  
8 and materials deposited with such corporation for storage or loaned to other  
9 participating institutions. The appropriations to the board are to be available for the  
10 purposes of this subsection to the extent that such appropriations may be applicable.

11 (13) AUXILIARY RESERVES. Auxiliary enterprise reserve funds established prior  
12 to merger of this state's public institutions of higher education for the benefit or  
13 support of an institution or group of institutions shall not be utilized for any other  
14 purpose.

15 (15) TAX DEFERRED ANNUITIES. The board may continue all salary reduction  
16 agreements with its employees pursuant to section 403 (b) of the internal revenue  
17 code. The board may enter into new salary reduction agreements with its employees  
18 pursuant to section 403 (b) of the internal revenue code or other applicable federal  
19 law and may purchase annuities for its employees pursuant to these agreements  
20 from such annuity providers, both public and private, as the board deems  
21 appropriate.

22 (15m) FOOTBALL COACHES PENSION PLAN. The board may deduct contributions  
23 from the salaries of football coaches employed in the <sup>university</sup> ~~system~~ who are eligible and wish  
24 to participate in the qualified pension plan for football coaches established as the  
25 American football coaches retirement trust, and remit the deductions to the

1 (f) The faculty member taking a sabbatical leave shall agree to return to the  
2 university for at least one year after the termination of the sabbatical or return any  
3 compensation received from the university during the sabbatical.

4 (21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE.

5 Any student who engages in an activity, on ~~campus~~<sup>university property</sup> or at an event sponsored by the  
6 university, that constitutes a violation of ch. 961 is subject to nonacademic  
7 misconduct disciplinary sanctions, as provided by the board by rule. In determining  
8 the appropriate sanction, the board or its designee shall consider those penalties,  
9 including suspension and expulsion, that will contribute most effectively to  
10 maintaining a ~~system~~<sup>university</sup> environment that is free from controlled substances, as  
11 defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01  
12 (4m).

13 (22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL

14 HARASSMENT. (a) The board shall do all of the following:

15 1. Incorporate in the orientation program for newly entering students oral and  
16 written or electronic information on sexual assault and sexual harassment, as  
17 defined in s. 111.32 (13), including information on sexual assault by acquaintances  
18 of the victims and on all of the following:

19 a. The legal definitions of, and penalties for, sexual assault under ss. 940.225,  
20 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and  
21 harassment under s. 947.013.

22 b. Generally available national and state statistics, and ~~campus~~<sup>university</sup> statistics as  
23 compiled under par. (c) and as reported under par. (d), on sexual assaults and on  
24 sexual assaults by acquaintances of the victims.

1           c. The rights of victims under ch. 950 and the services available at the  
2 university and in the community to assist a student who is the victim of sexual  
3 assault or sexual harassment.

4           d. Protective behaviors, including methods of recognizing and avoiding sexual  
5 assault and sexual harassment and locations in the community where courses on  
6 protective behaviors are provided.

7           2. Annually supply to all students enrolled in the university printed or  
8 electronic material that includes all of the information under par. (a).

9           (b) Annually, the board shall submit a report to the chief clerk of each house  
10 of the legislature for distribution to the appropriate standing committees under s.  
11 13.172 (3). The report shall indicate the methods the university has used to comply  
12 with par. (a).

13           (c) Any person employed at the university who witnesses a sexual assault on  
14 ~~campus~~ <sup>university property</sup> or receives a report from a student enrolled in the university that the student  
15 has been sexually assaulted shall report to the dean of students. The dean of  
16 students shall compile reports for the purpose of disseminating statistical  
17 information under par. (a) 1. b.

18           (d) Annually, the university shall report to the office of justice assistance in the  
19 department of administration statistics on sexual assaults and on sexual assaults by  
20 acquaintances of the victims that occurred on ~~campus~~ <sup>university property</sup> in the previous year. The office  
21 of justice assistance shall include the statistics in appropriate crime reports  
22 published by the office.

23           (26) BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish a  
24 process for submission of building projects to the building commission for approval.  
25 No building project for the university may be submitted by the board to the building